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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,543	12/31/2003	Yoshio Iwasaki	89285.0004	5573

26021 7590 07/14/2005

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/750,543	IWASAKI ET AL.	
	Examiner	Art Unit	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,10,13 and 21 is/are rejected.
- 7) ☒ Claim(s) 3-5,9,11,12 and 14-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/404920.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/6/04, 6/4/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS: 3/8/05, 12/31/03</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 6-8, 10, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junker (6481184) in view of Blaskovitz-Lamb (EP: 444865).

Junker relates to a display strip (1) for allowing a plurality of product enclosed bags (3) to be attached thereto for the purpose of arrangement and display. The strip comprises at least a substrate layer (1) and a sealant layer that is bondable to the surface of a bag by heat sealing. When the surface of the surface of the bag is peeled from the sealant layer, the sealant layer is broken (col. 2, lines 55-58). However, Junker fails to teach the sealant layer comprises an adhesive component and a component for cohesion failure. Blaskovitz-Lamb discloses a sealant layer for adhering a lidding to a container by a sealant layer that is heat sealable and easily peelable by adhesive failure (col. 3, lines 35-41). The sealant layer contains a blend of ethylene copolymer and have sufficient compatibility to have greater cohesive strength than the peel strength (col. 3, lines 42-58). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Blaskovitz-Lamb's teaching of using a heat seal sealant layer composition, comprising an adhesive component and a cohesive failure component, of polyethylene

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copolymer and a terpolymer of unsaturated acid or anhydride thereof in the invention of Junker with the motivation to provide for peelability by breaking the seal.

The adhesive layer of Blaskovitz-Lamb is taken to include the supporting layer when the material for the adhesive component and the supporting layer are the same, in the absence of any showing of distinct layers therefor.

The adhesive layer thickness is 10-75 microns (col. 8, lines 11-12).

Allowable Subject Matter

3. Claims 3-5, 9, 11-12 and 14-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art uncovered so far fails to teach or suggest the adhesive component being as claimed in claims 3-4, the cohesion failure component being as claimed in claims 5, 9, the sealant layer being formed on substantially all over the surface as claimed in claim 11, the substrate being of material as claimed in claim 12, the layer of claim 14 is stacked between the substrate and the sealant layer, and the bag comprises at least a sealant layer and a substrate layer as recited in claims 15-20.

Information Disclosure Statement

4. The IDS filed 12/31/2003 has not been considered because it is a duplicate of the IDS of 02/06/2004.

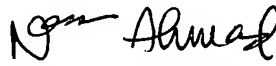
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
June 24, 2005.